

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

<b>IN RE</b>	)	<b>CASE : 17-03910-DD</b>
	)	
<b>Harold C Blackwell, Jr</b>	)	
	)	<b>CHAPTER: 13</b>
	)	
	)	<b>MOTION TO ENFORCE</b>
	)	<b>LOSS MITIGATION</b>
	)	
	)	
	)	
<u>DEBTOR(S).</u>	)	

Debtor motions before the Court to enforce an Order dated October 11, 2017 allowing loss mitigation. The Debtor asserts that the Creditor (“ Ditech”) has not acted in good faith. In support of the argument, the following facts are listed:

1. Debtor filed for Chapter 13 bankruptcy on August 6, 2017.
2. An Order allowing Loss Mitigation was granted on October 11, 2017.
3. On October 11, 2017 Debtor submitted a loan modification package on the DMM Portal.
4. On October 25, 2017 Debtor was notified of missing documents.
5. Debtor submitted missing documents within thirty days.
6. Between, December 15, 2017 and January 10, 2018, Debtor requested an update from the servicer on three occasions. No response was given until January 14, 2018. Debtor’s attorney was told it was in process.
7. On March 9, 2018 an update was requested by the Debtor’s attorney and was told it was in process.
8. On April 6, 2018, Debtor was given a long list of documents that were needed that essentially was a demand for a whole new loan modification packet. This demand was six months after the initial loan mod was submitted.
9. Debtor acted in good faith by submitting the documents when requested and by asking for updates on a timely basis.
10. Mortgage lender has acted in bad faith by waiting six (6) months to review the packet.
11. Debtor argues that not only is the Debtor affected but other creditors.
12. Debtor was told in April he would be approved for a “stream line” loan modification. Debtor has been sick at home and was excited that he would obtain a loan modification.
13. Within a few days the lender retracted the statement and demanded a whole new loan modification.
14. Lender’s local counsel has been very helpful during the process.

Wherefore, based upon the facts listed above, Debtor requests that the Court Order Ditech Financial to execute a stream lined loan modification with feasible terms. In addition, Debtor requests attorney fees and costs.

Stone Law Firm, LLC

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05/15/2018

**CERTIFICATE OF SERVICE**

I, Daniel A. Stone of Stone Law Firm, LLC, Attorney for the Debtor(s) hereby certify that I have this 15th **day of May 2018**, served the foregoing **MOTION TO ENFORCE** mailing a copy thereof with sufficient postage prepaid, at the addresses indicated below:

Chapter 13 Trustee (Electronic Only)

Ditech  
C/O Scott Law Firm  
2712 Middleburg Dr.  
Columbia, SC 29204

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